

UNITED STATES DISTRICT COURT

EASTERN

NEW YORK, BROOKLYN

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

ADRIAN PAYNE

Case Number: 05-CR-188(S-2)-02 (JG)

USM Number: 61543-053

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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THE DEFENDANT: ★

FEB 20 2008
JP

★ Defendant's Attorney

- ✓ was found guilty on count(s) One, Two, Three, Four, Five, Six, Ten, Eleven, Twelve, and Thirteen by a jury trial after a plea of not guilty. and verdict on 2/6/2007.
- ✓ Order of Acquittal on: Count Three, Count Five, and Count Thirteen. (See also Judge Gleeson's Memorandum and Order dated 1/31/2008.)
- ✓ Dismissed prior to being submitted to the jury: Count Eight, Count Nine, Count Sixteen, and Count Seventeen.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1962(c) & 1963(a)	Racketeering.	1/29/2003	ONE
18 U.S.C. § 1962(d) & 1963(a)	Racketeering and conspiracy.	1/29/2003	TWO
18 U.S.C. § 1959(a)(1)	Murder in aid of racketeering.	1/29/2003	FOUR
18 U.S.C. § 1959(a)(1)	Murder in aid of racketeering.	1/29/2003	SIX
21 U.S.C. §§ 846 & 841(b)(1)(A)(ii)(II)	Conspiracy to distribute and possess with intent to distribute cocaine and cocaine base.	1/29/2003	TEN
21 U.S.C. §§ 841(a)(1) & 841(b)(1)(A)(ii)(II)	Distribution and possession with the intent to cocaine and cocaine base.	1/29/2003	ELEVEN
18 U.S.C. § 924(c)(1)(A)	Use of a firearm during the commission of a drug trafficking offense.	1/29/2003	TWELVE

The defendant is sentenced as provided in pages 2 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) (See Judge Gleeson's Order on 1/31/08) are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 1, 2008

Date of Imposition of Judgment

s/John Gleeson

Signature of Judge

Date

2-15-08

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Ten (10) years on count twelve and life imprisonment on count one, count two, count four, count six, count ten, and count eleven. The sentence imposed on count twelve is to run consecutive to the life imprisonment counts.

✓ The court makes the following recommendations to the Bureau of Prisons:

Incarceration at a facility as close to New York City as possible.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
TOTALS	\$ 700.00		\$		\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____ 0	\$ _____ 0
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 700.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.